



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 18, 2006

MARTINE PENILLA & GENCARELLA, LLP
INTELLECTUAL PROPERTY COUNSEL
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085
US

Dear Sir/Madam,

Your refund request for 09632235 in the amount of \$1,400.00 has been denied .

The \$500.00 for the Notice of Appeal is being refunded but the extension money is needed to keep the application active.

Sincerely,

ELEANOR KURTZ
Technical Center Others
703 308-9010 x177

BEST AVAILABLE COPY

MARTINE
PENILLA &
GENCARELLA, LLP



INTELLECTUAL
PROPERTY
COUNSEL

December 13, 2005

Writer's Direct Line:
(408) 774-6926
Email: jaya@mpiaw.com

Director of The United States Patent and Trademark Office
Mail Stop 16
Post Office 1450
Alexandria, Virginia 22313-1450

Attention: Deposit Account Refunds

Re: U.S. Patent Application Entitled: ELIMINATION OF END-AROUND-CARRY
CRITICAL PATH IN FLOATING POINT ADD/SUBTRACT EXECUTION UNIT
Application No. 09/632,235
Filing Date: August 4, 2000
Our Reference: SUNMP285
Deposit Account No. 50-0805

Director:

This letter is to request a refund for funds that were paid due to the delay of the USPTO.

On April 22, 2005, a Final Office Action was mailed. Applicants filed an Amendment in response to the Final Office Action on June 22, 2005 (i.e. within two months of the Final Office Action being mailed). On July 28, 2005, an Advisory Action was mailed stating that the Amendment filed on June 22, 2005, raised new issues that would require further consideration and search by the Examiner. In order to expedite the prosecution process, on August 29, 2005, Applicants filed an Amendment in response to the Advisory Action canceling all the rejected claims and maintaining only the allowed claims.

As of the first week of October, a response to the Amendment filed on August 29, 2005 was not received. Therefore, the Examiner was contacted and the Examiner assured that the Application had been allowed and a Notice of Allowability was forwarded on October 3, 2005. The Examiner was contacted another time (date is unavailable) and he reiterated the same. As the end of the statutory period for reply (i.e., six month date from the mailing of the Final Office Action) was approaching, the Examiner was contacted again on October 21, 2005. When the Examiner repeated his earlier statement, a request was made for a copy of the Notice of Allowability. However, the copy of the Notice of Allowability that was faxed (a copy of which is enclosed) to the undersigned did not have the Examiner's signature.

The Examiner denied the request for a signed copy of the Notice of Allowability. On October 24, 2005, Applicants' Attorney initiated an interview with the Examiner (a copy of the interview summary is enclosed). On October 24, 2005 Applicants' attorney further contacted the Supervisory Patent Examiner (SPE) Kakali Chaki to request for a signed copy of the Notice of Allowability. The SPE also refused to provide a signed copy of the Notice of Allowability.

Page Two
RE: Application No. 09/632,235
December 13, 2005

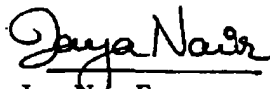
As there was no document assuring that the application would not go abandoned, the only option that was left was to file a Notice of Appeal. Accordingly, on October 24, 2005, a Notice of Appeal was filed with a three month Extension Fee. A check in the amount of \$1,520.00 was included with the Notice of Appeal to cover the Notice of Appeal Fee and the extension fee (a copy of the check is enclosed).

MPEP § 714.13(III) is clear on the action to be taken by the Examiner when an amendment is timely filed after a final rejection. In particular, the relevant section states that "in all instances both before and after a final rejection, in which an application is placed in condition for allowance, applicant should be notified promptly of the allowability of the claims. If delays in processing the Notice of Allowability are expected, the Examiner should notify applicant by way of an interview that the application has been placed in condition for allowance, and an Examiner Initiated Interview Summary should be mailed. Prompt notice to applicant is important because it may avoid an unnecessary appeal and act as a safeguard against a holding of abandonment" (MPEP § 714.13(III)). In this case, even after the repeated requests from Applicants' attorney, neither the Examiner nor the Supervisory Patent Examiner took action to safeguard against a holding of abandonment of the subject application.

As the Applicants wanted to avoid having the application go abandoned, a Notice of Appeal was filed, which included the Notice of Appeal Fee \$500, and a three month Extension Fees of \$1020.00 (i.e. a total of \$1,520.00). The Notice of Appeal Fee \$500 and the cost of the second and third month Extension Fees \$900 should be refunded.

Please refund Deposit Account No. 50-0805 (Order No. SUNMP285) the amount of \$1,400.00 as soon as possible. Thank you for your prompt attention in this matter.

Sincerely,
MARTINE PENILLA & GENCARELLA, LLP


Jaya Nair, Esq.
Reg. No. 46,454

Martine Penilla & Gencarella, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Telephone: (408) 774-6926
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Customer Number 32291



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,235	08/04/2000	Allan Tzungren Tzeng	SUN-P4497	1869
25920	7590	10/27/2005	SUNMP205	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER DO, CHAT C	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/832,235	TZENG ET AL.	
	Examiner	Art Unit	
	Chat C. Do	2193	

All participants (applicant, applicant's representative, PTO personnel):

(1) Chat C. Do. (3) _____

(2) Jaya Nair. (4) _____

Date of Interview: 24 October 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: None.

Identification of prior art discussed: None.

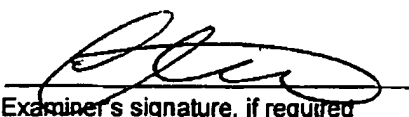
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The attorney of record, Ms. Jaya, initiated a call and inquired about the status of the AfterFinal of application above. The examiner indicated that it has been allowed and a Notice of Allowability is being mailed..

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



UNITED STATES PATENT AND TRADEMARK OFFICE

Facsimile Transmission

To: Name: Jay
 Company:
 Fax Number: 4087496901
 Voice Phone:

From: Name:
 Voice Phone:

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Let me know if you need additional information.
Chat Do

Date and time of transmission: Friday, October 21, 2005 1:51:16 PM
Number of pages including this cover sheet: 06

Interview Summary	Application No.	Applicant(s)	
	09/632,235	TZENG ET AL.	
	Examiner	Art Unit	
	Chat C. Do	2193	

All participants (applicant, applicant's representative, PTO personnel):

(1) Chat C. Do. (3) _____

(2) Java Nair. (4) _____

Date of Interview: 24 October 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: None.

Identification of prior art discussed: None.


Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The attorney of record, Ms. Java, initiated a call and inquired about the status of the AfterFinal of application above. The examiner indicated that it has been allowed and a Notice of Allowability is being mailed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

U.S. Patent and Trademark Office
PTOL-413 (Rev. 04-03)

Interview Summary

Paper No. 20051024

Notice of Allowability	Application No.		Applicant(s)	
	09/632,235		TZENG ET AL.	
	Examiner		Art Unit	
	Chat C. Do		2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/01/05.
2. ☒ The allowed claim(s) is/are 1,3 and 7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ Including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ Including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

<ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material 	<ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____
--	--

PATENT POSTCARD - Customer Number 32,291

Docket No. **SUNMP285** Appl. No.: **09/632,235** Date: **October 24, 2005**
By: **JN:slc** Filing Date: **Aug. 4, 2000** Express Mail No.:
Inventor(s): **Allan Tzungren Tzeng**
Title: **ELIMINATION OF END-AROUND-CARRY CRITICAL PATH IN
FLOATING POINT ADD/SUBTRACT EXECUTION UNIT**

The following has been received in the U.S. Patent & Trademark Office on the date stamped below:

- Notice of Appeal from the Primary Examiner to the Board of Appeals and Interferences (2 pages, in triplicate)
- Response
- Check No. 15183 in the amount of \$1,520.00 (Notice of Appeal Fee and 3-month Extension of Time Fee)

MDG LLP
OCT 24 2005
DOCKETED-ATTY:SN

MARTINE PENILLA & GENCARELLA, LLP 04-01
INTELLECTUAL PROPERTY LAW
710 LAKEWAY DRIVE, SUITE 200
SUNNYVALE, CA 94085-4013

CITIBANK, FEDERAL SAVINGS BANK
3480 STEVENS CREEK BLVD.
SAN JOSE, CA 95117
90-71183211

15183

10/24/2005

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Order of*

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\$ **1,520.00

One Thousand Five Hundred Twenty and 00/100*****

Dollars

**Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

2ND SIGNATURE REQ. IF OVER \$4,000

[Signature]

SUNMP285/P4497/GS

015183 4321171184 200919124

MARTINE PENILLA & GENCARELLA, LLP INTELLECTUAL PROPERTY LAW

Commissioner for Patents

**Extension Fees: 3 Months
Notice of Appeal Fee**

10/24/2005

15183

**1,020.00
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